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ARIZONA CORPORATION COMMISSION

25

BEFORE THE ARIZONA CORPORATION COMMISSION

JUL 28 9 39 AM '98

DOCUMENT CONTROL

IN THE MATTER OF:

DOCKET NO. S-03177A-98-0000

FOREX INVESTMENT SERVICES CORPORATION

2700 N. Central Ave., Suite 1110
Phoenix, AZ 85004

EASTERN VANGUARD FOREX LTD.

2700 N. Central Ave., Suite 1110
Phoenix, AZ 850-04c/o HWR Services Limited, Registered Agent
P.O. Box 71, Craigmuir Chambers
Road Town, Tortola
British Virgin Islands

EASTERN VANGUARD GROUP LIMITED

c/o AMS Trustees Limited, Registered Agent
Creque Building, Main Street, P.O. Box 116
Road Town Tortola
British Virgin Islands

K. (DAVID) SHARMA

Eastern Vanguard Forex Ltd.
P.O. Box 71, Craigmuir Chambers
Road Town, Tortola
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SAMMY LEE CHUN WING

Eastern Vanguard Group Limited
Creque Building, Main Street, P.O. Box 116
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PETER SUEN SUK TAK

Eastern Vanguard Group Limited
Creque Building, Main Street, P.O. Box 116
Road Town, Tortola
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JAMES CHARLES SIMMONS, JR.

5045 N. 58th Ave., #23A,
Glendale, AZ 85301

MICHAEL E. CHO

839 Faxon Avenue
San Francisco, CA 94112

Arizona Corporation Commission

DOCKETED

JUL 28 1998

DOCKETED BY

Emk

1 TO FAI CHENG)
 1800 Van Ness, 2nd Fl.)
 2 San Francisco, CA 94109)

3 JEAN YUEN)
 439 - 3rd Avenue)
 4 San Francisco, CA 94118)

5 Y & T INC., dba TOKYO INTERNATIONAL)
 INVESTMENT LTD.)
 6 1800 Van Ness Ave., 2nd Fl.)
 7 San Francisco, CA 94109)

8 WING MING TAM)
 c/o Tokyo International Investment Ltd.)
 1800 Van Ness Ave., 2nd Fl.)
 9 San Francisco, CA 94109)

10 GUO QUAN ZHANG)
 c/o Tokyo International Investment Ltd.)
 11 1800 Van Ness Ave., 2nd Fl.)
 12 San Francisco, CA 94109)

Respondents.)

PROCEDURAL ORDER

BY THE COMMISSION:

15 Present at the prehearing conference on July 27, 1998, were Mark Knops, Securities Division
 16 ("Division"), Arizona Corporation Commission ("Commission"); Alan Baskin, Roshka Heyman &
 17 DeWulf and Chris Youtz, Sirianni & Youtz, on behalf of all Respondents except Respondent Simmons;
 18 and John Augustine, Jr., on behalf of Respondent Simmons for the limited purpose of the prehearing
 19 conference and any discussion of the waivers of Respondent Simmons. Mr. Youtz and Mr. Augustine
 20 appeared telephonically. Respondent Simmons did not appear other than through Mr. Augustine.

21 The parties presented argument on the waivers of conflict of interest regarding Roshka Heyman
 22 & DeWulf and the partial waiver regarding Sirianni & Youtz filed on behalf of Respondent Simmons on
 23 July 21, 1998. Based upon the argument presented, the Commission finds that the waivers were issued
 24 as a result of a fully informed and voluntary decision by Respondent Simmons. The Commission finds
 25 that there was presented no evidence of any remaining, unwaived or unwaivable conflict between
 26 Respondent Simmons and Sirianni & Youtz. The Commission also finds that there was presented no
 27 evidence of adverse conflicts of interest between any other Respondents. The parties acknowledged that
 28 they had no knowledge of any unresolved conflict or potential conflict of interest.

As a result of the partial waiver of the conflict of Sirianni & Youtz, Mr. Youtz requested that the firm be permitted to withdraw as attorneys of record for the remaining Respondents. The Division requested that if the request were granted, Sirianni & Youtz be eliminated from the mailing certificate.

IT IS THEREFORE ORDERED that the request of the law firm of Sirianni & Youtz to withdraw from representation of the remaining Respondents is hereby granted.

IT IS FURTHER ORDERED that the parties do not need to include Sirianni & Youtz on a mailing certificate in this matter.

IT IS FURTHER ORDERED that Respondent Simmons shall be included on the mailing certificate.

IT IS FURTHER ORDERED that the hearing in this matter shall be scheduled for August 27, 1998, at 9:30 a.m., at the offices of the Commission, 1200 West Washington, Phoenix, Arizona. Subsequent hearing dates are presently scheduled for 9:00 a.m. on August 28 and 31, September 1, and September 9 through 11.

IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

DATED this 28th day of July, 1998.


BARBARA M. BEHUN
HEARING OFFICER

Copies of the foregoing mailed/delivered this 28th day of July, 1998 to:

Paul J. Roshka, Jr.
Alan S. Baskin
ROSHKA HEYMAN & DEWULF, PLC
Two Arizona Center
400 North 5th Street, Suite 1000
Phoenix, Arizona 85004
Attorneys for Respondents

Chris Youtz
SIRIANNI & YOUTZ
Columbia Center
701 Fifth Avenue, Suite 3410
Seattle, Washington 98104
Attorneys for Respondents

JIM IRVIN
COMMISSIONER-CHAIRMAN

RENZ D. JENNINGS
COMMISSIONER

CARL J. KUNASEK
COMMISSIONER



ARIZONA CORPORATION COMMISSION

JACK ROSE
EXECUTIVE SECRETARY

MICHAEL G. BURTON, SR.
DIRECTOR

SECURITIES DIVISION
1300 West Washington, Third Floor
Phoenix, AZ 85007-2996
TELEPHONE: (602) 542-4242
FAX: (602) 594-7470
E-MAIL: accsec@ccsd.cc.state.az.us

August 6, 1998

Mr. Aaron Lawson
4165 N. Craftman Court, Upstairs
Scottsdale, AZ 85251

Dear Mr. Lawson:

I have attached a copy of the most recent Procedural Order, which was the product of the last delay that resulted in the rescheduling of this hearing. As you can see in this order, the new date for the hearing is August 27, 1998.

I have also enclosed a subpoena for your appearance at that hearing on the 27th. Mr. Knops or I will be in touch with you to give an exact date and time of your actual appearance. The hearing will go from August 27 through August 28, August 31 through September 1, and could be continued on September 9 through 11.

If there should be any problems associated with your appearance on the first three to four days, please let me know so that we can work around this conflict, if possible.

Should you have any questions, please contact me at (602) 542-0705.

Sincerely yours;

Michael A. Smedinghoff
Senior Investigator

/mas
Enclosed

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 JIM IRVIN
Commissioner-Chairman
3 RENZ D. JENNINGS
Commissioner
4 CARL J. KUNASEK
Commissioner
5

6 **In the matter of:**

7 FOREX INVESTMENT SERVICES
CORPORATION
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Phoenix, AZ 85004
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26 ...

) DOCKET NO. S-03177A-98-0000

) **ADMINISTRATIVE SUBPOENA**

1 JAMES CHARLES SIMMONS, JR.
5045 N. 58th Ave. #23A
2 Glendale, AZ 85301
3 MICHAEL E. CHO
839 Faxon Avenue
4 San Francisco, CA 94112
5 TO FAI CHENG
1800 Van Ness, 2nd Fl.
6 San Francisco, CA 94109
7 JEAN YUEN
439 3rd Avenue
8 San Francisco, CA 94118
9 Y & T INC. dba TOKYO
INTERNATIONAL INVESTMENT LTD.
10 1800 Van Ness Ave., 2nd Fl.
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1800 Van Ness Ave., 2nd Fl.
13 San Francisco, CA 94109
14 GUO QUAN ZHANG
c/o Tokyo International Investment Ltd.
15 1800 Van Ness Ave., 2nd Fl.
San Francisco, CA 94109
16

Respondents.

17
18 **TO:** Aaron Lawson
4165 N. Craftman Court, Upstairs
19 Scottsdale, AZ 85251

20 YOU ARE HEREBY COMMANDED, pursuant to Ariz. Rev. Stat. Ann § 44-1823 and
21 A.A.C. Rule R14-3-109 to appear at the Offices of the Arizona Corporation Commission, 1200
22 West Washington, First Floor, Hearing Room 1, Phoenix, Arizona on the 27th day of August, 1998
at 9:30 a.m., to testify under oath in connection with the Administrative Hearing in the above-
captioned action.

23 DISOBEDIENCE OF THIS SUBPOENA MAY SUBJECT YOU TO FURTHER
24 PROCEEDINGS AND PENALTIES UNDER LAW, INCLUDING, BUT NOT LIMITED TO,
CONTEMPT OF COURT.
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DATED this 5th day of August, 1998.



JACK ROSE
Executive Secretary
Arizona Corporation Commission



Burton

BEFORE THE ARIZONA CORPORATION COMMISSION

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AZ CORP COMMISSION

JIM IRVIN
COMMISSIONER - CHAIRMAN
RENZ D. JENNINGS
COMMISSIONER
CARL J. KUNASEK
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SIRIANNI & YOUTZ
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701 Fifth Avenue, Suite 3410
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Attorneys for Respondents

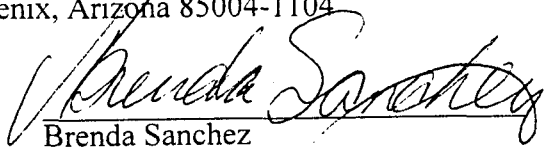
1 James Charles Simmons, Jr.
2 5045 North 58th Avenue, #23A
3 Glendale, Arizona 85301

4 John R. Augustine, Jr.
5 2727 N. 3rd Street, Suite 300
6 Phoenix, Arizona 85004-1106

7 Michael Burton, Director
8 Mark Knops
9 Securities Division
10 ARIZONA CORPORATION COMMISSION
11 1200 West Washington Street
12 Phoenix, Arizona 85007

13 Robert A. Zumoff
14 Assistant Attorney General
15 ARIZONA ATTORNEY GENERAL'S OFFICE
16 1275 West Washington
17 Phoenix, Arizona 85007

18 ARIZONA REPORTING SERVICE, INC.
19 2627 N. Third Street, Suite Three
20 Phoenix, Arizona 85004-1104

21 By: 
22 Brenda Sanchez
23 Secretary to Barbara M. Behun
24
25
26
27
28

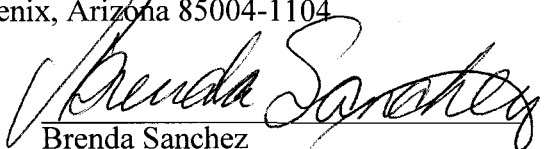
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7 Michael Burton, Director
8 Mark Knops
9 Securities Division
10 ARIZONA CORPORATION COMMISSION
11 1200 West Washington Street
12 Phoenix, Arizona 85007

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15 ARIZONA ATTORNEY GENERAL'S OFFICE
16 1275 West Washington
17 Phoenix, Arizona 85007

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